

## REMARKS

Claims 1-5 and 11 are now pending in this application. Claims 6-10 are withdrawn from consideration. Claims 1 and 5 are currently amended. Claim 11 is new. Reconsideration is respectfully requested.

Claim 1 has been amended to recite that the ascertaining logic employs signal strength and technology type. Support for the new limitation is in the specification at pages 53-54. New claim 11 recites that the ascertaining logic also employs maximum potential signal strength of the alternative access points. Support for the new limitation is in the specification at page 49. One advantage of employing technology type is that better service might be obtained by avoiding a legacy technology type which might provide inferior performance to a newer technology type even when the legacy technology AP has a stronger signal. One advantage of employing maximum potential signal strength is that the possibility of transmission power control can be accounted for by the ascertaining logic. In other words, an AP with a low signal strength may simply be transmitting at partial strength in order to mitigate interference with other devices, but be capable of higher power transmission if required to support an association with a new station. Claims 2-5 further distinguish the invention.

A terminal disclaimer is submitted with this Amendment in order to overcome the provisional double patenting rejection. With regard to the objections to claims 4 and 5 for being indefinite, and the associated suggestion of inserting the limitation "integer" to describe the variables, Applicant respectfully traverses. The scope of these claims is readily apparent, and there seems no good reason to insert the new limitation when weighted partial samples might be employed.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Applicants' Attorney at the number listed below so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

May 2, 2006

Date

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